

## REMARKS

Claims 1-24 are pending in the application.

In the Office Action, the Examiner objected to the Drawings. The Examiner objected to the Specification due to lack of clarity. The Examiner objected to Claims 4 and 13-15 due to informalities. The Examiner rejected Claims 1-12 and 18-24 under 35 U.S.C. §112, first paragraph, for lack of written description requirement, and rejected Claims 7-12 under §112, second paragraph for indefiniteness.

Please amend Claims 1, 7, 8, 9, 18, 20, 21 and 22 as set forth herein. No new matter has been added.

With regard to the art, the Examiner rejected Claims 1-13, 16-20 and 23-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0002464 to *Rezaiifar et al.* (hereinafter *Rezaiifar*). The Examiner rejected Claims 14-15 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Pub. No. 2003/0142656 to *Padovani et al.* (hereinafter *Padovani*).

As to the objection to the Drawings, the Examiner alleged that “DRQ message”, “DRQ information”, “ACK message” and “detection ACK signal”, recited in the claims, are not shown in the drawings.

Regarding “DRQ information” the word “information” has been deleted from this recitation in each instance where it appears in the claims, as shown herein.

“DRQ message” is clearly described at least on page 14, lines 22-25, as a message transmitted from the BS for requesting transmission of the DRQ to MS by performing the procedure in FIG. 11 and FIG. 12, if there is a packet to transmit. Accordingly, it is respectfully

asserted that the DRQ message is shown in the Drawings.

“ACK message” is defined at least on page 12, lines 17-18, and relates to repeated power down commands, or repeated transmission of power control bit (-1), which is illustrated in FIG. 7. “ACK message” is also disclosed on page 14, lines 27-30 as being sent according to the procedure illustrated in FIG. 13, and this procedure is outlined in detail with respect to the description of FIG. 13, which begins on page 17, line 11. Accordingly, it is respectfully asserted that the ACK message is shown in the Drawings.

“Detection ACK signal” is clearly defined at least on page 8, lines 5-9 as an ACK for DRQ, which is clearly shown in FIG. 3. Accordingly, it is respectfully asserted that detection ACK signal is shown in the Drawings. For at least the foregoing reasons, withdrawal of the Drawings objection is respectfully requested.

As to the objection to the Specification, the Examiner alleged that it is replete with terms that are not clear, concise and exact. For example, the Examiner alleged that “DRQ” has different definitions in at least two instances therein, rendering unclear to which definition DRQ refers throughout the specification, and more vitally, in the claims.

The Examiner seemed confused by the fact that data rate request and forward data rate both describe the DRQ in the specification. For purposes of consistency, the specification has been amended on page 2, line 22 by inserting --data rate request for-- between “refers to a” and “a forward data rate”. This line therefore recites *inter alia*, that, “The “DRQ” refers to a data rate request for a forward data rate which is determined...” It is respectfully asserted that this amendment makes the specification here clearer.

In addition, page 12, line 9 of the specification has been amended by inserting --report direction bit-- after “DRQ” because it is the DRQ report direction bit, transmitted by the BS, that requests the MS to transmit the DRQ. Accordingly, page 12, lines 8-9 recites *inter alia*, that, “on a judgment that the base station has transmitted the DRQ report direction bit.” This does not

impact the claims, because DRQ report direction bit is not recited in the claims. However, it is respectfully submitted that this amendment clears up some inconsistency in the specification, and withdrawal of the specification objection is thus respectfully requested.

In addition, “information” has been deleted from “DRQ information” in the claims, as previously explained with respect to the Drawings objections.

As to the objection to the claims, in Claims 4 and 13-15 the Examiner alleged that at least “transmitting ACK message in response to a detection ACK signal of the DRQ message” is unclear, due to discrepancies between the claims, the specification and the drawings. Applicants respectfully submitted that the foregoing amendments and explanations obviate the claim objections, and withdrawal of the claims objection is thus respectfully requested.

As to the §112, first paragraph rejection of Claims 1-12 and 18-24, the Examiner alleged that “DRQ information” was not described in the specification. This rejection is linked to the aforementioned drawings objection to the same “DRQ information” recitation. It is respectfully submitted that the foregoing amendments and explanations obviate this §112, first paragraph rejection.

As to the §112, second paragraph rejection of Claims 7-12, the Examiner alleged that it is unclear whether “a corresponding mobile station” is the same as “a mobile station” in line 1 of Claim 7. It appears that “a corresponding” should be deleted from this recitation in favor of -- the--, so that the recitation would read “the mobile station” and thus would find antecedent basis from “A mobile station” in line 1 of Claim 7. This amendment is shown herein, and respectfully, obviates the §112, second paragraph rejection. Withdrawal of the same is respectfully requested.

As to the §102(e) rejection, Applicants respectfully traverse. Each of the independent Claims 1, 7, 13 and 18 recites a data rate request (DRQ) message, and Claims 1, 7 and 18 recite that the DRQ message is for requesting transmission of a data rate request as amended as set forth below. The Examiner cites *Rezaiifar* as disclosing each and every limitation in these

claims, but *Rezaiifar* concerns a channel structure for communication systems. In paragraph [0119] cited by the Examiner, the reference discusses a process between the BS and MS if the BS has data to send to the MS. If the MS is in the suspend mode, the BS transmits a channel assignment message on the paging channel and communication occurs shortly thereafter. If the MS is in the dormant mode, then the BS transmits a paging message, to which the MS responds and then the BS transmits the aforementioned channel assignment message.

In order for *Rezaiifar* to read on the rejected claims in the manner alleged by the Examiner, it is respectfully asserted that either the channel assignment message or the paging message taught therein would have to read on the data rate request (DRQ) message in the claims. Respectfully, either of these messages in *Rezaiifar* does so. Specifically, the DRQ in the claims is a message requesting a data rate, and in Claims 1, 7 and 18, the message is for requesting transmission of a data rate request. The channel assignment message in *Rezaiifar* does not read on the claimed data rate request message, and neither does the paging message in *Rezaiifar*. Moreover, there is no illustration of a data rate request message anywhere in FIGs. 8B or 9B cited by the Examiner.

In the Response to Arguments, the Examiner alleged that the “paging message” in *Rezaiifar* reads on the DRQ in the claims, but nowhere in the reference is the paging message set forth as relating to a data rate request, as claimed. Accordingly, Applicants strongly submit that the §102(e) rejection of Claims 1-13, 16-20 and 23-24 is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

As to the §103(a) rejection of Claims 14-15 and 21-22, it is respectfully asserted that this rejection is incorrect at least for the reasons given above with respect to the rejection of Claims 1-13, 16-20 and 23-24 and further, since *Padovani* fails to cure the stated deficiencies in *Rezaiifar*. Accordingly, withdrawal of the rejection of Claims 14-15 and 21-22 is respectfully requested.

Independent Claims 1, 7, 13 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-12, 14-17 and 19-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-12, 14-17 and 19-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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